

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CYNTHIA WOODS,)	JURY TRIAL DEMANDED
)	
Plaintiff,)	Case No. 4:22-cv-273
v.)	
PEPSICO, INC.,)	(Removal from the Sixteenth
)	Judicial Circuit, Jackson County
)	Missouri)
Defendant.)	

NOTICE OF REMOVAL

Defendant Pepsico, Inc. (“Defendant”), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes the Missouri state court action identified below to the United States District Court for the Western District of Missouri, Western Division. In support of its Notice of Removal, Defendant states as follows:

1. On March 15, 2022, Plaintiff Cynthia Woods (“Plaintiff”) filed a Petition (the “Petition”) and thereby commenced a civil action against Defendant in the Circuit Court of Jackson County, Missouri, captioned *Cynthia Woods v. Pepsico, Inc.*, Case No. 2216-CV05310 (the “State Court Action”).
2. Plaintiff’s Petition alleges personal injury due to negligence against Defendant. *See* Petition, Count I, included in Exhibit A attached hereto and incorporated herein by reference.
3. Removal is proper because the Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332. First, diversity of citizenship exists here. Plaintiff is an individual residing in Jackson County, Missouri (*See* Petition, p. 1). Defendant is a North Carolina domestic corporation whose principal place of business is located in Purchase, New York. Based on a fair reading of the Petition, and on information and belief, Plaintiff is seeking damages of at least \$75,000,

exclusive of interest and costs, thereby satisfying the amount in controversy required under 28 U.S.C. § 1332(a). *See* Petition, p. 5.

4. Defendant received a copy of the Petition on March 29, 2022. Accordingly, this Notice of Removal is timely filed within 30 days of receipt of the Petition. *See* 28 U.S.C. § 1446(b).

5. Removal to this Court is appropriate because the State Court Action is pending in the Circuit Court of Jackson County, Missouri, which is located in the Western District's jurisdiction. 28 U.S.C. § 1441(a).

6. Pursuant to 28 U.S.C. § 1446(a), true and accurate copies of all process, pleadings and orders in the State Court Action, are attached hereto as Exhibit A, which includes all pleadings received by or served on Defendant and the docket sheet in the State Court Action.

7. Notice of filing of this Notice of Removal is being filed concurrently in the Circuit Court of Jackson County, Missouri, and is being provided to Plaintiff in the underlying State Court Action.

WHEREFORE, Defendant Pepsico, Inc. removes the State Court Action from the Circuit Court of Jackson County, Missouri to the United States District Court for the Western District of Missouri, for the exercise of jurisdiction over this action as though this action had originally been instituted in this Court, in accordance with the foregoing statutory provisions, and for such other and further relief as this Court deems just and proper under the circumstances.

DATED: April 27, 2022

Respectfully submitted,

SPENCER FANE LLP

/s/ Erik O. Solverud

Erik O. Solverud, #44291MO

Timothy J. Ahrenhoersterbaeumer, #55136MO

1 N. Brentwood Blvd., Suite 1000

St. Louis, MO 63105

(314) 863-7733 (telephone)

(314) 862-4656 (facsimile)

esolverud@spencerfane.com

tahrenhoersterbaeumer@spencerfane.com

Blake D. Smith, #70365MO

SPENCER FANE LLP

1000 Walnut St., Suite 1400

Kansas City, MO 64106

(816) 474-8100 (telephone)

(816) 474-3216 (facsimile)

bsmith@spencerfane.com

Attorneys for Defendant Pepsico, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 27th day of April, 2022, a true and accurate copy of the foregoing instrument was filed electronically with the Clerk of Court via ECF, which caused a copy of the same to be served on all counsel of record with notice of case activity generated. The undersigned further certifies that a true and accurate copy of the foregoing instrument was sent via email and by first class mail, postage prepaid to:

Cooper S. Mach

Scott W. Mach

The Popham Law Firm, P.C.

712 Broadway, Suite 100

Kansas City, MO 64105

cmach@pophamlaw.com

smach@pophamlaw.com

Attorneys for Plaintiff

/s/ Erik O. Solverud